

VZCZCXRO9899
PP RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO
DE RUEHGO #0301/01 1410730
ZNY CCCCC ZZH
P 210730Z MAY 09
FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC PRIORITY 8999
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1978
RUEHNE/AMEMBASSY NEW DELHI 5455
RUEHUL/AMEMBASSY SEOUL 9049
RUEHKO/AMEMBASSY TOKYO 6625
RUEAIIA/CIA WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4438
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2431
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000301

SIPDIS

DEPT FOR CA/OCS/ACS/EAP; STATE FOR EAP/MLS AND IO; PACOM
FOR FPA

E.O. 12958: DECL: 05/20/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [PINR](#) [BM](#)

SUBJECT: BURMA: AUNG SAN SUU KYI/YETTAW TRIAL, DAY FOUR

REF: A. RANGOON 295

[1](#)B. RANGOON 300

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) The May 21 session of the trial against Aung San Suu Kyi (ASSK) and John Yettaw focused on the examination of Yettaw's personal belongings, including photos and videos he took inside ASSK's residence. With the exception of Embassy Consul, no diplomats or journalists attended, which was expected -- the GOB had from the outset described yesterday's "open" session (Ref A) as a likely one-off event. According to his doctor, Yettaw is refusing medication for heart problems and is experiencing nightmares. The Home Affairs Minister pledged to the Charge that Consul would gain access to Yettaw May 22. A Mormon leader described Yettaw's affiliation with the church here, noting Yettaw had been planning his incursion into ASSK's compound since last year despite attempts by church leaders to dissuade him. Meanwhile, a key opposition activist told us that despite keen interest in the trial, mass public protests are unlikely. End summary.

Trial, Day Four: Photos and Video Galore

[1](#)2. (C) On May 21 Embassy Consul attended the fourth day of the trial of Aung San Suu Kyi, her two assistants and Amcit John Yettaw. No other diplomats or journalists attended, and all trappings -- seating signs (e.g. "diplomats" and "press") and identification cards -- from the previous day's open afternoon session had been removed from the courtroom. Five witnesses, including four new witnesses, testified, focusing primarily on the examination of Yettaw's personal effects, including photos and videos documenting his time inside ASSK's residence. Highlights included the testimony of a police Special Branch computer specialist, who produced photos Yettaw had allegedly taken of himself wearing female Muslim headgear and sunglasses and standing in front of a prominent painting of ASSK's father, national hero General Aung San. The same witness showed video clips allegedly taken and narrated by Yettaw depicting the view from ASSK's

house and scenes of Yettaw in her home. At one point in the video, Yettaw is heard whispering into the camera "I asked ASSK to take my photo but she refused...I believe Lord will protect me if any harm comes to me." ASSK's defense counsel observed that neither ASSK nor either of her two assistant appeared in the photos or video. Consul observed that ASSK was free to confer with her legal team for a total of 30 minutes throughout the day.

Yettaw's Health Situation

-----l"&xvb5+Q>vQSith Consul on the margins of the hearing, Yettaw's doctor reported Yettaw took vitamins and electrolytes May 20. He experienced a heart arrhythmia for 30 seconds the morning of May 21 and refused the nitroglycerine patch the doctor prescribed. (Note: Yettaw has accepted nitroglycerine patches twice before. End note.) According to the doctor, Yettaw is experiencing nightmares, but refuses to take sedatives or anti-psychotic drugs. Consul has yet to speak to Yettaw directly this week, but in a brief exchange with the CDA in Nay Pyi Taw prior to a scheduled meeting later in the evening, the Minister of Home Affairs pledged that Consul would be able to meet personally with Yettaw on May 22.

Government Media Covers ASSK's Meeting with Diplomats

14. (U) State-run media again ran detailed coverage of the
RANGOON 00000301 002 OF 003

trial, as well as ASSK's May 20 meeting with three diplomats (Ref B), in both English and Burmese versions. The latter article quoted ASSK as saying she is being treated well and that she had allowed Yettaw to stay at her residence on humanitarian grounds (which tracks with reports of the meeting from participants). The article was accompanied by several photos of ASSK, including with the three diplomats, and the house on the Insein Prison compound where she is being held. The New Light of Myanmar explained that she is being "accommodated" at officers' housing of the Myanmar Correctional Department (MCD) and that both specialists and generalist physicians from MCD and the Rangoon General Hospital monitor her health daily.

Heavy Police Presence; No Plans for Protest

15. (C) RSO contacts reported continued heavy police presence in the vicinity of Insein Prison. Consul observed approximately 300 onlookers outside the prison complex.

16. (C) On May 21 leading 88 Generation Students activist Toe Kyaw Hlaing told us activists and the general public are very interested in ASSK's trial but are less willing to demonstrate actively on her behalf. "Interest and participation are very different things" he said. The general public has no desire to engage in mass demonstrations for fear of arrest, and many in the opposition fear that protests could backfire by giving the regime further pretext to continue to detain ASSK, according to Toe Kyaw Hlaing. The 88GS activist dismissed calls on the internet for violent mass protests as lacking any credibility, saying that genuine activists with whom he has been in touch would never call for such foolish acts.

17. (C) Nonetheless, Toe Kyaw Hlaing reported that he and approximately seven other 88GS members from Rangoon, Mandalay, and Magwe Divisions have been meeting regularly this past week to discuss developments and plan possible courses of action. Toe Kyaw Hlaing told Poloff that he and his 88GS colleagues have quietly asked for people to wear "victory flowers" in support of Aung San Suu Kyi on Monday May 25. The plan, spread by word of mouth in the 88GS members respective neighborhoods, calls for people to offer prayers and carry the indigenous flower as a silent protest against the regime. Toe Kyaw Hlaing stressed, however, that

he is not encouraging people to go to the courthouse and does not plan to broadcast the plan over the internet or other medium.

¶8. (C) Additionally, these 88GS members have been in regular communication with NLD Central Executive Committee member U Win Tin, who, along with a few dozen NLD members, has led a small daily vigil near Insein Prison since ASSK's trial began. According to the 88GS members who have traveled to Insein, the vast majority of those gathered near the prison each day are members of the public who normally visit the bustling area, not activists or NLD members. As with our NLD contacts, the 88GS members described the gatherings as quiet with no overt political demonstrations. Nonetheless, Toe Kyaw Hlaing is worried that the longer the trial continues, the greater the risk that some unforeseen event could spark a confrontation between the regime and ASSK's supporters or onlookers. Meanwhile, the NLD issued a statement May 21 noting that the trial violates the regime's own laws and procedures, which guarantee the right to a public trial.

Mormon Leader on Yettaw, Implications for Local Church Members

¶9. (C) Latter Day Saints (LDS) Charities Country Director Errol Merkley (protect) told Poloff May 21 that he met John Yettaw once in November 2008 during Yettaw's previous visit to Burma. At the time, Yettaw was referred to Merkley by a member of the LDS community in Thailand, which Yettaw had

RANGOON 00000301 003 OF 003

visited prior to coming to Burma. According to Merkley, Yettaw visited the LDS Meeting Room (akin to a church) in Rangoon where he worshiped with local LDS members. Yettaw reportedly told Merkley about his plan to swim to Aung San Suu Kyi's house. Merkley said he informed Yettaw it was a bad idea and strongly recommended Yettaw return to the U.S. and never come back to Burma. Merkley said that, at the time, he was concerned for both Yettaw's safety and the interests of the Latter Day Saints Charities. The next Merkley heard of Yettaw was six months later, upon the latter's May 2009 arrest.

¶10. (C) Merkely told us that rumors Yettaw had taught English at a LDS school in Rangoon in 2005 are false, noting that LDS Charities does not run a school (it offers occasional classes at the meeting room) and that as far as he knows, Yettaw had not visited Burma prior to 2008. Mr. Merkley lamented that Yettaw's LDS membership and his previous fleeting contact with Rangoon's small LDS community had attracted undue attention to LDS Charities. Several Burmese LDS members (he wouldn't specify who or how many) have been picked up for questioning by the authorities since Yettaw's arrest. Merkely said he hoped the incident would not further jeopardize LDS Charities' status or projects in Burma. (Note: LDS Charities operates a small office out of an apartment in Rangoon. It conducts various charitable works including English-language instruction in Rangoon. It has been rumored that it also engages in missionary work, an activity that would be prohibited by Burmese law. Whether or not this is true, it appears clear that LDS Charities and the LDS Church had nothing to do with Mr. Yettaw's actions earlier this month or last year. End Note.)

DINGER